

**REMARKS**

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

**Regarding the Rejections under 35 U.S.C. §103**

Applicant notes with appreciation that the previous grounds of rejection has been withdrawn. However, a new ground(s) of rejection has been made in view of Chapple (US Patent 4,881,123). Applicant respectfully traverses the rejections of the claims in view of Chapple.

With regard to claims 1 and 2, these claims are rejected as being unpatentable over Douglas in view of Chapple. In this rejection, the Chapple reference is relied upon as curing the deficiency of Douglas not teaching a current source element coupled in series to the first microphone to provide a correct bias voltage to this microphone. It is asserted that because Chapple “discloses a microphone for a head worn device comprising a current source to supply a bias voltage to a microphone (Current source 313)...it would have been obvious to include a current source to supply a bias voltage to a microphone in order to power the microphone.”

This reading of the Chapple reference is just not accurate, however, and the basis of rejection should be withdrawn. A reading of Chapple reveals that current source 313, of FIG. 2A, is part of microphone preamplifier 31. As is clearly demonstrated in FIG. 1, amplifier 31 receives signal(s) from microphone 29, i.e. it is at the output of microphone 29, and does not provide a bias voltage of any sort to microphone 29. Indeed, the current source 313 quoted by the examiner is internal to circuitry used to implement a microphone amplifier and is in fact shown at the output of amplifier 31 in FIG. 2A. It does not connect to the microphone itself or in any way provide bias to the microphone, as recited in the claimed invention.

A reading of the teaching of Chapple bears out these facts. In the summary of the invention, at column 2, lines 24-27, it is stated that, “The audio system includes a microphone and associated pre-amplifier to allow a dentist or doctor to communicate with a patient undergoing treatment. The audio system further includes means for muting the microphone...” At column 3, lines 7-12, it explains that, “Audio amplifier 31 serves as a preamplifier for a voice signal input from

microphone 29 and couples the amplified voice signal to the left and right audio amplifiers 15, 17 to be mixed with the normal music signal at the input to the audio amplifiers.” Lines 28-37, of column 3 further state that the amplification provided by amplifier 31 can be controlled to increase the signal strength of the voice signal in relation to the music signal; a minimum level at the output of microphone preamplifier 31 effectively mutes microphone 29. See also lines 62; column 4, lines 4, 7, 15, 67; and column 5, lines 1-8, 41-47.

Since Applicant’s reading of the Chapple reference fails to uncover the interpretation given to current source 313 in the office action, Applicant must respectfully request that the examiner state with particularity where the reference teaches the function being attributed to current source 313, in the event that the bases of rejection are maintained. It is noted for the record that calls to Examiner Justin Michalski, the examiner listed on page six of the office action, were not returned. The undersigned welcomes the opportunity to discuss rejection this with the examiner in hopes of moving prosecution of the application forward.

For the foregoing reasons, Applicant respectfully submits that the Chapple reference does not teach that which has been asserted by the examiner. The current source 313 of Chapple does not supply a bias voltage to a microphone. Thus the combination of Chapple with Douglas fails to obviate the recitations of claims 1 and 2. Applicant respectfully requests that this ground of rejection be withdrawn and a notice of allowance be mailed.

With regard to claims 3-12, the basis of rejection of these claims rests upon the earlier rejection of claims 1-2, discussed above. This basis of rejection is respectfully traversed. Since the combination of Douglas and Chapple fails to disclose, suggest, or otherwise obviate the recitations of the claims, Applicant respectfully submits that this basis of rejection be withdrawn and these claims allowed.

With regard to claims 35-37, which also depend from claim 1, Applicant must respectfully traverse this basis of rejection as being unsupported by the actual teachings of the Chapple reference. Applicant requests that this basis of rejection be withdrawn. Reconsideration and allowance of these claims at the examiner’s earliest convenience are respectfully requested.

**Allowable Subject Matter**

Applicant notes with appreciation that claims 19, 20, 38, 40 and 41 are allowed over the art of record. Claims 13, 14, 16-18, 26-29, 31-34 and 42 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form. It is noted that these claims each ultimately depend from claim 1. Because it is believed that the 103 rejection of claim 1 has been overcome, Applicant respectfully declines to rewrite these allowable claims in independent form at this time, but does reserve the right to do so in the future if so desired.

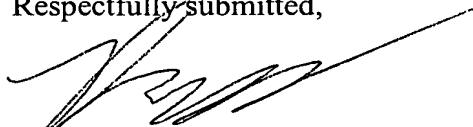
**Concluding Remarks**

The undersigned additionally notes that other distinctions exist between the cited art and the pending claims. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,



Renee' Michelle Leveque  
Registration No. 36,193  
Dated: October 12, 2006  
Leveque I.P. Law, P.C.  
221 East Church Street  
Frederick, MD 21701  
301-668-3073/-3074 fax